

Smoking ban may expand

by Nick Taborak

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CITY HALL — Santa Monica's already strict anti-smoking laws could get even tougher.

Responding to residents' complaints that the existing ban on smoking in the common areas of apartments and condos doesn't go far enough, City Council members Glean Davis and Kevin McKeown are asking their colleagues to support a proposal that would extend the no-smoking zone to include many residents' private patios and balconies.

Significant details of the potential new ordinance — including how it would be enforced — are to be determined.

But if a majority of council members support the idea on Tuesday night, the City Attorney's office would be directed to prepare an enhanced anti-secondhand smoking ordinance that would come back before the council for final approval.

As members of the political party Santa Monicans for Renters' Rights, both Davis and McKeown said tenant protections would have to be an important aspect of any new law restricting smoking.

"I personally do not envision a system that allows smoking to be used as an excuse for the eviction of a tenant," Davis said.

She would like to see an ordinance that would bar smoking on patios and balconies that are within 20 feet of a neighbor's residence.

Banning smoking inside apartment and condo units — an idea favored by some local anti-smoking activists including Rent Control Board Commissioner Robert Kronovet, who has filed forms to place a ballot measure establishing an outright ban on smoking in multi-unit buildings before voters — is not on the table, she said.

"I do not want to reach into people's [apartment] units and begin to proscribe what they can or cannot do," she said.

McKeown said the idea behind the proposal is to improve tenants' quality of life without being intrusive.

"There are people who are going to think that this is way too strict and people who are going to think this is way too lenient, and that may indicate that we have found an appropriate middle course," he said.

Esther Schiller, the director of the non-profit group Safe Air For Everyone (S.A.F.E.), said she was "ebullient" at the news the council could enhance its restrictions on smoking.

"The ban on smoking in common areas has not proven to be sufficient," she said.

If Santa Monica bans smoking on balconies and patios, it would join Glendale, which recently adopted a similar ordinance, Schiller said. Two other California cities — Belmont and Richmond — have banned smoking inside multi-unit housing buildings, she said.

Santa Monica's prohibition on smoking in common areas took effect last year and has drawn criticism from some residents opposed to secondhand smoke who say it is too difficult to enforce. Under the law, a resident whose neighbor refuses to obey the ban has to file a complaint in small claims court to compel compliance.

The council will have to decide whether a potential new smoking ordinance would require City Hall to take over enforcement responsibility.

Both Davis and McKeown said they're keeping open minds on the question.

Kronovet, meanwhile, said he has not yet begun gathering signatures for his proposed ballot initiative and doesn't expect the measure to qualify for the November election. Still, he said he plans to assemble a team to gather signatures and hopes the effort will sway the council to adopt a more sweeping ban.

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